

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed December 28, 2007. At the time of the Office Action, Claims 1-12 and 14-21 were pending in this Application. Claims 1-12 and 14-21 were rejected. Claim 18 was objected to. Claims 1, 8, and 18 have been amended to further define various features of Applicants' invention. Claims 13 and 22 were previously cancelled without prejudice or disclaimer. Applicants respectfully request reconsideration and favorable action in this case.

Claim Objections

Claim 18 was objected due to the recitation of certain phrases, which the Examiner recommended be replaced with alternative language. Applicants have amended Claim 18 accordingly.

Rejections under 35 U.S.C. § 112

Claims 1-7 and 18-21 were rejected by the Examiner under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Examiner alleges the limitation "the user" in Claims 1 and 18 lacks antecedent basis. Applicants have amended Claims 1 and 18 to overcome these clerical errors. Therefore, Applicants respectfully request the rejections of Claims 1-7 and 18-21 under 35 U.S.C. §112, second paragraph be withdrawn.

Rejections under 35 U.S.C. §103

Claims 1-12 and 14-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,892,249 issued to Raffi Codilian et al. ("*Codilian*") and U.S. Patent No. 6,750,864 issued to Mohammed S. Anwar ("*Anwar*").

In order to establish a *prima facie* case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Furthermore, according to § 2143 of the Manual of Patent Examining Procedure, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in

the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Applicants submit that *Codilian* and *Anwar*, whether considered alone or in combination, do not teach all limitations of Applicants amended claims. For example, regarding amended Claim 1, *Codilian* and *Anwar* fail to teach:

displaying to a user a user interface for locking the user preference setting for the first component at a selected performance level setting within a first range of performance level settings;

...

for a particular performance level setting of the first component, calculating a second range of performance level settings for the second component that will allow the particular performance level setting of the first component to be achieved, the second range of performance level settings for the second component comprising a subset of the first range of performance level settings for the second component; and

if the user preference setting for the first component is locked at the particular performance level setting for the first component by the user:

allowing the user to change, via the second component control, the operation of the second component to any setting within the second range of performance level settings for the second component calculated to allow the particular performance level setting of the first component to be achieved; and

restricting the user from changing, via the second component control, the operation of the second component to any setting outside the second range of performance level settings for the second component calculated to allow the particular performance level setting of the first component to be achieved

(emphasis added)

Codilian does not teach such limitations, as acknowledged by the Examiner. (Office Action, Page 4). *Anwar* also does not teach such limitations.

First, *Anwar* does not teach anything regarding “performance level settings” for a component “regarding the performance of a first aspect of [an] information handling system.” (emphasis added). Thus, *Anwar* also cannot teach “for a particular performance level setting of the first component, calculating a second range of performance level settings for the second component that will allow the particular performance level setting of the first component to be achieved.”

Anwar discloses a GUI for displaying multi-dimensional data. (Abstract). The GUI and allows the user to “assign variables to axes such as the x-axis, y-axis, and/or z-axis; assign one variable to size, one variable to color and/or one variable to geometry; and/or to assign variable to any other representational format displayable on a display device associated with a computer.” (Col. 8, lines 2-9). The GUI includes sliders that “allows a user to play what-if scenarios by presetting one or more variables to a given value and analyzing the values other variables assume at that preset value of the slider variable. The slider variable gets its name because the user can adjust the preset value by sliding a slide bar in a window between the slider variable's minimum and maximum values within the data.” (Col. 8, lines 20-26).

Anwar then provides Table 1 illustrating how such sliders work. Each of three variables -- A, B, and C -- can slide between a range of settings from 1 to 5. Changing one of the variables affects the other variables. Thus, as explained by *Anwar*, sliding A between the range of settings 1 to 5 affects the settings that C can have. (col. 8, lines 58-60). In particular:

- When variable A is set to 1, variable C can be 2, 3, or 5.
- When variable A is set to 2, variable C can be 1, 2, 3, 4, or 5.
- When variable A is set to 3, variable C must be 4.
- When variable A is set to 4, variable C can be 3 or 4.
- When variable A is set to 5, variable C can be 1, 2, or 5.

Anwar further discloses that “[a] slider can be enabled or disabled.” (col. 9, line 47).

None of the variables or settings disclosed by *Anwar* regard “performance level settings” for a component “regarding the performance of a first aspect of [an] information handling system.” In particular, the “x-axis, y-axis, and/or z-axis” do not regard the performance of an aspect of an information handling system, and the settings 1-5 for each variable are not “performance level settings.”

Thus, even if *Anwar*’s disclosure that “[a] slider can be enabled or disabled” could be equated with a user interface for locking a user preference setting (which Applicants do not necessarily agree), it is clearly not “a user a user interface for locking the user preference setting for the first component at a selected performance level setting within a first range of performance level settings,” as recited in amended Claim 1.

Further, *Anwar* does not teach “calculating a second range of performance level settings for the second component that will allow the particular performance level setting of the first component to be achieved.” Even if the possible settings 1-5 of variable A were “performance level settings” (which they are *not*), *Anwar* does not disclose calculating settings for variable C that would allow a particular setting 1-5 of variable A to be achieved.

In summary, the features of *Anwar*’s system simply cannot be equated with the features of amended Claim 1 discussed above.

For at least these reasons, Applicants respectfully request reconsideration and allowance of amended Claim 1, as well as Claims 2-7 that depend from amended Claim 1. In addition, for analogous reasons, Applicants request reconsideration and allowance of amended independent Claims 8 and 18, as well as Claims 9-12, 13-17, and 19-21 that depend therefrom.

CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants believe there are no fees due at this time; however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2689.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorney for Applicants



Eric M. Grabski
Reg. No. 33,790

Date: February 18, 2008

SEND CORRESPONDENCE TO:
BAKER BOTTS L.L.P.

CUSTOMER NO. **23640**
512.322.2689
512.322.8383 (fax)